

REMARKS

Applicant has now considered all aspects of the above-identified Office Action and in consideration therein has made extensive changes in the present application in order to rectify all the issues raised by the Examiner.

Initially it is to be noted that Applicant is submitting herewith two Terminal Disclaimers to remove the Examiner's objection to obviousness type double patenting over the claims of commonly owned U.S. Patent No. 5,624,491 or U.S. Patent No. 5,772,752.

Turning next to the Examiner's objections to the claims it will be found that Applicant has now amended the claims to remove the Examiner's objections under 35 U.S.C. §112 which specifically were focused upon claims 15, 29, 39 and 54. As amended it is believed that all such objections are now removed and the Examiner's approval is requested.

With respect next to the drawings, applicant believes it has remedied all objections to these drawings by providing for approval a new set of formal drawings which conform to the earlier set, except that it will be found in the instance of Figures 13 through 23 that the tabularized matter which has been objected to as in part illegible has all been removed from beneath the graphical showings. In reviewing the application it became apparent that in each and every instance the tabularized data for each graphical figure in Figures 13 through 23 was duplicated at corresponding points in the specification, *i.e.*, the same data was presented in the specification following the discussion of each specific graphical representation. Thus the legible portions of Figures 13 through 23 could be and now have been removed. To clarify this further, copies of the original drawings are enclosed in which the deleted materials has been carefully marked.

Since it was noted that one small portion of each of the deleted tabularizations (from Figures 13-23) relating to flow rates and ultrasonic power etc. in the apparatus used was not

however included in the specification, a brief amending sentence has been added at page 46 to include the corresponding statement and render it applicable to each of the revised Figures.

Finally, Applicant is submitting an improved copy of reference AX for the Examiner's approval. While portions of this further copy are somewhat light it is believed that the Examiner will be able to read all of the document.

It is submitted in view of the changes introduced by the present amendment, and of the attachments, that all objections to patentability have now been removed. Accordingly it is requested that favorable action now be provided by the Examiner together with an early notice of allowance.

Respectfully submitted,



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| MICROTRAC 2100 PARTICLE ANALYSIS | | | |
|--|--|---|--|
| Percent Frequency Data | | | |
| Version 6.11 | | | |
| ANALYSIS PARAMETERS ANALYSIS NO: 1001 ANALYSIS DATE: 10/10/80 ANALYSIS TIME: 10:10:10 | | ASAP Parameters Flow Rate: 15 ml/sec Ultrasonic Power: 10 Watts Ultrasonic Time: 100 seconds | |
| Mean/Type 0: 1.000 Param 01: 1.000 | | Param 02: 1.000 Loc Code: 1001 Account: 1001 | |
| ID 01: 1001 Distrib. Format: Volume Filter: On Run Time: 60 seconds Run Number: 1001 Transmission: Laser Int: 1.000/1.000/1.000 Solids: Disabled Above Critical: 1.00 Below Critical: 1.00 | | Summary Page Total: 1001 Size: 1001 Weight: 1001 Volume: 1001 Surface: 1001 Number of Channels: 1001 Fluid Refractive Index: 1.33 Particle Transparency: Transp Spherical Particles: No Part. Refractive Index: 1.01 | |

[illegible]

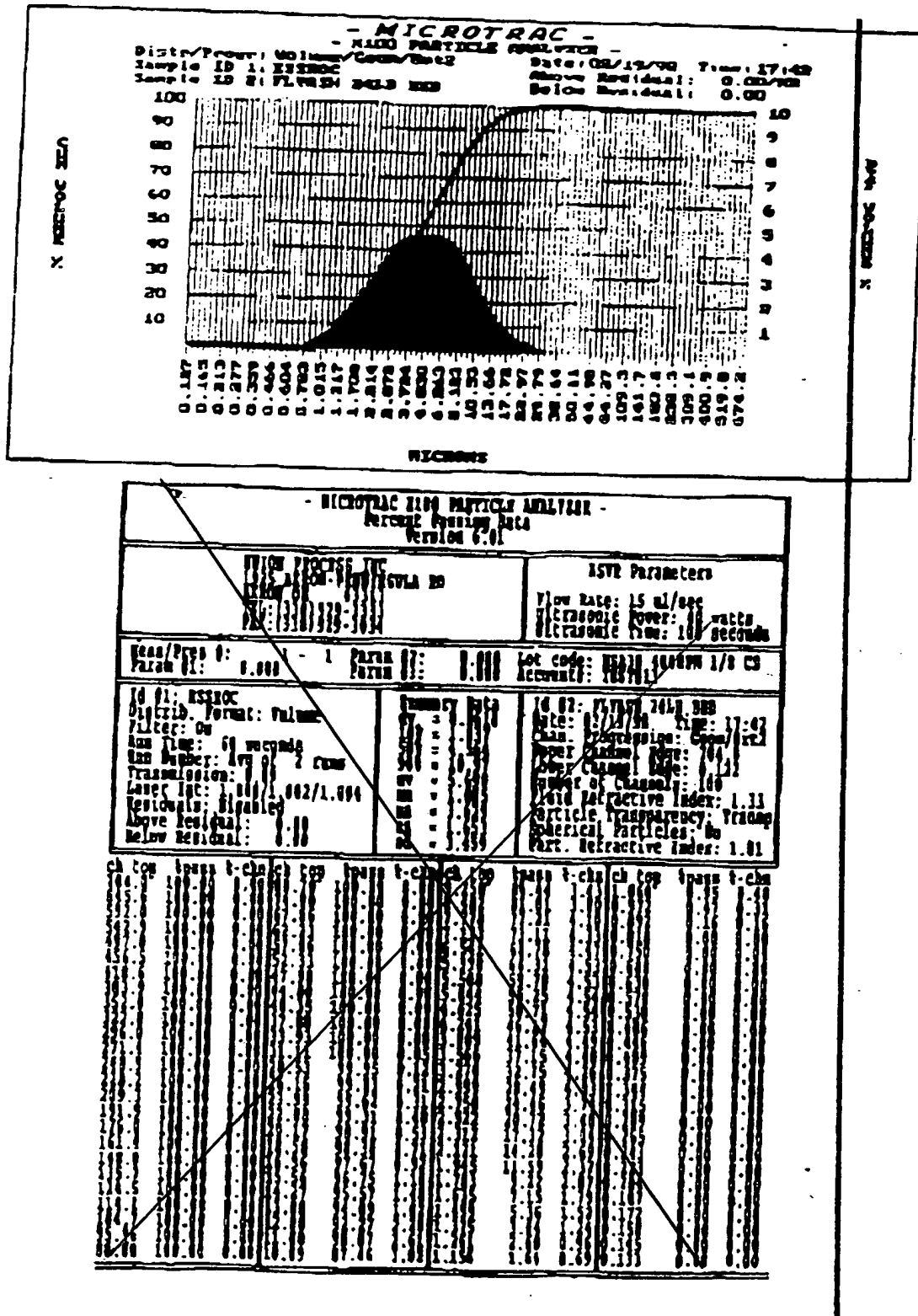
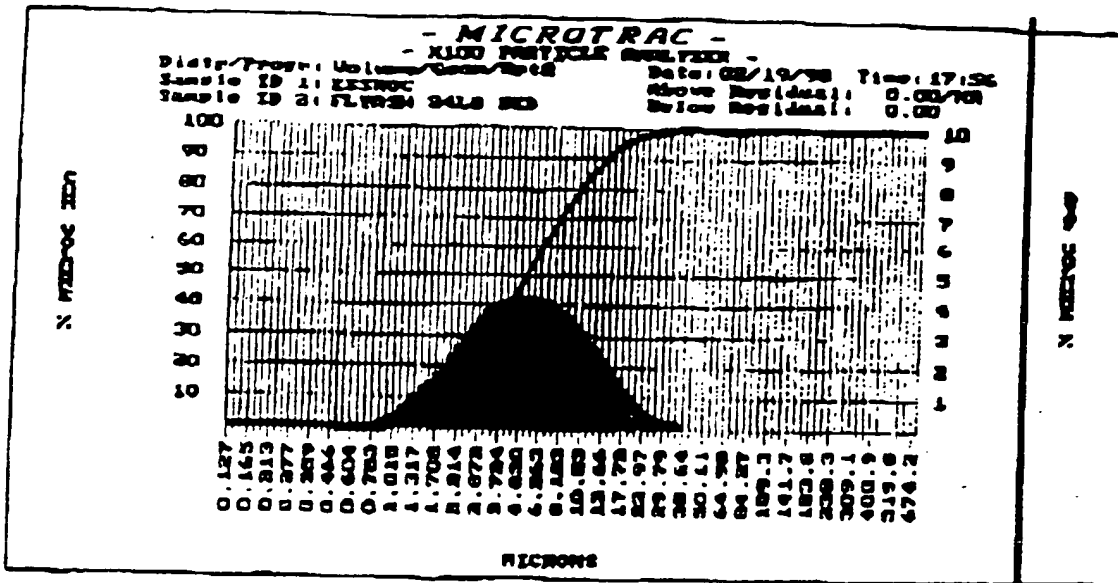


Figure 22

715-1-060 CIP
SERIAL NO.: 09/234,810
GROUP ART UNIT: 1755



| - MICROTRAC XL100 PARTICLES ANALYZER - Percent Frequency Data Version 6.01 | | | |
|--|-----------------|--|-----------------|
| Sample ID: 1 Sample ID: 2 | | ASVR Parameters Flow Rate: 15 ml/sec Ultrasonic Power: 70 watts Ultrasonic Time: 100 seconds | |
| Mean/Std S: Param 01: 0.000 | Param 02: 1.000 | Lot code: 000000 1/0 CS | Account: 115/11 |
| Id #1: KESTROC Distrib. Format: Volume Filter: 05 Run Time: 60 seconds Run Number: 1 Transmission: 1.000 Laser: 1.000/1.000/1.000 Sensitile: Disabled Above Residual: 0.00 Below Residual: 0.00 | | Id #2: FLUOR 24LS HD Date: 02/19/98 Time: 17:56 Run: 1 Type: Volume Filter: 05 Run Time: 60 seconds Run Number: 1 Transmission: 1.000 Laser: 1.000/1.000/1.000 Sensitile: Disabled Above Residual: 0.00 Below Residual: 0.00 | |
| Summary Data Mean: 1.500 Std: 0.500 Max: 4.750 Min: 0.125 Range: 4.625 Count: 1000 Density: 1.000 Volume: 1.000 Weight: 1.000 Area: 1.000 Perim: 1.000 Spheric: 1.000 Transp: 1.000 Refract: 1.000 Absorb: 1.000 Reflect: 1.000 Scatter: 1.000 Diffuse: 1.000 Specular: 1.000 Total: 1.000 | | Summary Data Mean: 1.500 Std: 0.500 Max: 4.750 Min: 0.125 Range: 4.625 Count: 1000 Density: 1.000 Volume: 1.000 Weight: 1.000 Area: 1.000 Perim: 1.000 Spheric: 1.000 Transp: 1.000 Refract: 1.000 Absorb: 1.000 Reflect: 1.000 Scatter: 1.000 Diffuse: 1.000 Specular: 1.000 Total: 1.000 | |

Figure 23